

RECORD OF THE COUNCIL OF THE CITY OF SAINT CHARLES, MISSOURI
January 22, 2008

The City Council convened in Regular Session on Tuesday, January 22, 2008, at 7:00 P.M. in the Council Chambers on the fourth floor of City Hall, 200 North Second Street, with President of the Council Bob Kneemiller, presiding, and the Honorable Mayor Patricia M. York and Members of the Council present as follows: Dave Beckering, Erv Ermeling, Laurie Feldman, Michael Klinghammer, Larry Muench, Jerry Reese, Ron Stivison, and Richard Veit. Absent: Michael Weller. The City Clerk, Marilyn K. McCoy, was present and performed the duties of that office.

File #46718

A motion was made by LAURIE FELDMAN to excuse the absence of Councilmember Michael Weller. RICHARD VEIT seconded the motion. All voted in favor, motion passed.

The meeting was opened with the Invocation, those present standing in a moment of silence, followed by the Pledge of Allegiance to the Flag.

PUBLIC COMMENT RELATIVE TO AGENDA ITEMS

Council Bill 9527 Amending Chapter 115 of the Code of Ordinances Pertaining to Alcoholic Beverages

City Clerk Marilyn K. McCoy read a letter dated January 20, 2008, from Justin Donahue, Owner, The Lounge, in opposition to Council bill 9527.

BILLS FOR FINAL PASSAGE

Bill 9527 (Amended and Passed)

An Ordinance Amending Chapter 115 of the Code of Ordinances Pertaining to Alcoholic Beverages *(Sponsors: Richard Veit, Bob Kneemiller, and Larry Muench)*

A motion was made by RICHARD VEIT to amend Council Bill 9527 with the technical changes outlined in the RCA for Substitute Bill No. 2. MICHAEL KLINGHAMMER seconded the motion. All voted in favor, motion passed. A roll call vote was taken, with the following results:

Passed “Aye”: Ermeling, Feldman, Klinghammer, Kneemiller, Muench, Reese, Stivison, Veit, and Beckering

“Nav”: None

Absent: Weller

Approved by the Honorable Mayor on January 24, 2008, and is known as **Ordinance 08-21**

Bill 9534 (Substitute Bill No. 1)

An Ordinance Authorizing a Right of Way Encroachment License Agreement with Aero Group LLC for 142 North Main Street *(Sponsor: Richard Veit)*

Passed “Aye”: Ermeling, Feldman, Klinghammer, Kneemiller, Muench, Reese, Stivison, Veit, and Beckering

“Nay”: None

Absent: Weller

Approved by the Honorable Mayor on January 29, 2008, and is known as **Ordinance 08-28**

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Bill 9540

An Ordinance Amending Chapter 33 of the Code of Ordinances of the City of St. Charles, Missouri Pertaining to Boards, Commissions and Committees (*Sponsors: Ron Stivison and Erv Ermeling*)

Passed "Aye": Ermeling, Feldman, Klinghammer, Kneemiller, Muench, Reese, Stivison, Veit, and Beckering

"Nay": None

Absent: Weller

Approved by the Honorable Mayor on January 23, 2008, and is known as **Ordinance 08-16**

Bill 9547 (Amended)

An Ordinance Amending Section 112.04 and Section 112.05 of the Code of Ordinances of the City of St. Charles, Missouri Pertaining to the Appointment of Members to the Special Business District Advisory Board (*Sponsors: Ron Stivison and Erv Ermeling*)

A motion was made by RON STIVISON to amend Council Bill 9547 with the Proposed Substitute Bill No. 1. DAVE BECKERING seconded the motion. All voted in favor, motion passed.

Bill 9549

An Ordinance Authorizing an Engineering Services Contract with HDR Engineering, Inc. for the Design of the Second Street Water Main Project in an Amount Not to Exceed \$134,815.00 (*Sponsors: Richard Veit and Michael Klinghammer*)

Passed "Aye": Ermeling, Feldman, Klinghammer, Kneemiller, Muench, Reese, Stivison, Veit, and Beckering

"Nay": None

Absent: Weller

Approved by the Honorable Mayor on January 29, 2008, and is known as **Ordinance 08-23**

Bill 9550

An Ordinance Vacating a Ten-Foot Wide Utility Easement in Brighton Park Plat 1 Subdivision (*Sponsor: Jerry Reese*)

Passed "Aye": Ermeling, Feldman, Klinghammer, Kneemiller, Muench, Reese, Stivison, Veit, and Beckering

"Nay": None

Absent: Weller

Approved by the Honorable Mayor on January 29, 2008, and is known as **Ordinance 08-24**

Bill 9551

An Ordinance Vacating a 15-Foot Wide Sanitary Sewer and Water Easement on Lots 12 and 13 of Block 4 of Evans Survey of St. Charles Commons Subdivision (*Sponsor: Richard Veit*)

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Passed “Aye”: Ermeling, Feldman, Klinghammer, Kneemiller, Muench, Reese, Stivison, Veit, and Beckering
 “Nay”: None
 Absent: Weller

Approved by the Honorable Mayor on January 29, 2008, and is known as **Ordinance 08-25**

Bill 9552 (Held)

An Ordinance Annexing Certain Adjacent Contiguous Territories into the City of Saint Charles, Missouri, and Assigning the Properties to a Designated Ward of the City Being Lands Petitioned for Annexation by South Drive, LLC (1460 South Drive)
(Sponsor: Laurie Feldman)

Council Bill 9552 was held by Sponsor Laurie Feldman.

Bill 9553

An Ordinance Annexing Certain Adjacent Contiguous Territories into the City of Saint Charles, Missouri, and Assigning the Properties to a Designated Ward of the City Being Lands Petitioned for Annexation by Catherine Stockglausner (31 Ayrshire Road)
(Sponsor: Michael Weller)

Passed “Aye”: Ermeling, Feldman, Klinghammer, Kneemiller, Muench, Reese, Stivison, Veit, and Beckering
 “Nay”: None
 Absent: Weller

Approved by the Honorable Mayor on January 29, 2008, and is known as **Ordinance 08-26**

Bill 9554

An Ordinance Rezoning to City Zoning District R-1E (Single-Family Residential District) from County Zoning District R-1E (Single-Family Residential District), a Parcel of Land Located at 31 Ayrshire Road *(Sponsor: Michael Weller)*

Passed “Aye”: Ermeling, Feldman, Klinghammer, Kneemiller, Muench, Reese, Stivison, Veit, and Beckering
 “Nay”: None
 Absent: Weller

Approved by the Honorable Mayor on January 29, 2008, and is known as **Ordinance 08-27**

Bill 9555

An Ordinance Repealing Ordinance No. 07-150 and Enacting a New Ordinance Authorizing the Establishment of Checking Accounts with Commerce Bank, N.A., and Designating Persons Authorized to Sign Checks *(Sponsor: Bob Kneemiller)*

Passed “Aye”: Ermeling, Feldman, Klinghammer, Kneemiller, Muench, Reese, Stivison, Veit, and Beckering
 “Nay”: None
 Absent: Weller

Approved by the Honorable Mayor on January 23, 2008, and is known as **Ordinance 08-17**

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Bill 9558

An Ordinance Repealing Ordinance No. 07-290 and Enacting a New Ordinance Authorizing an Agreement with Commerce Bank for the Establishment of a Bank Card Account, Designating Persons Authorized for Use of this Account, and Designating the Line of Credit Amount (*Sponsors: Bob Kneemiller and Jerry Reese*)

Passed "Aye": Ermeling, Feldman, Klinghammer, Kneemiller, Muench, Reese, Stivison, Veit, and Beckering

"Nay": None

Absent: Weller

Approved by the Honorable Mayor on January 23, 2008, and is known as **Ordinance 08-18**

Bill 9559

An Ordinance Approving a Settlement Agreement with Sprint Nextel (*Sponsor: Bob Kneemiller*)

Passed "Aye": Ermeling, Feldman, Klinghammer, Kneemiller, Muench, Reese, Stivison, Veit, and Beckering

"Nay": None

Absent: Weller

Approved by the Honorable Mayor on January 23, 2008, and is known as **Ordinance 08-19**

Bill 9560

An Ordinance Approving a Settlement Agreement with AT&T Mobility (*Sponsor: Bob Kneemiller*)

Passed "Aye": Ermeling, Feldman, Klinghammer, Kneemiller, Muench, Reese, Stivison, Veit, and Beckering

"Nay": None

Absent: Weller

Approved by the Honorable Mayor on January 23, 2008, and is known as **Ordinance 08-20**

Bill 9562

An Ordinance Repealing Ordinance 07-45 and Enacting a New Ordinance Annexing Certain Adjacent Contiguous Territories into the City of Saint Charles, Missouri, and Assigning the Properties to a Designated Ward of the City Being Lands Petitioned for Annexation by Springwell Village Development, LLC, Two (2) Contiguous Parcels Located on the East Side of Spring Drive (*Sponsor: Jerry E. Reese*)

Passed "Aye": Ermeling, Feldman, Klinghammer, Kneemiller, Muench, Reese, Stivison, Veit, and Beckering

"Nay": None

Absent: Weller

Approved by the Honorable Mayor on January 25, 2008, and is known as **Ordinance 08-22**

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Bill 9563 (Held)

An Ordinance Approving the Record Plat for The New Town at St. Charles Plat Nine, a Subdivision of the City of Saint Charles, Missouri (*Sponsor: Michael Klinghammer*)
Council Bill 9563 was held by Sponsor Michael Klinghammer upon the request of the Developer.

Bill 9564 (Held)

An Ordinance Rezoning to City Zoning District PD-C (Planned Development-Commercial District) From County Zoning District I-1 (Light Industrial District) and City Zoning District (C-3 Highway Business District) Property Located at 1460 South Drive and 1560 and 1600 Veterans Memorial Parkway; Approving the Preliminary Development Plan of St. Charles Hospitality in Connection Therewith; and Authorizing a Cooperation Agreement (*Sponsor: Laurie Feldman*)
Council Bill 9564 was held by Sponsor Laurie Feldman.

BILLS FOR INTRODUCTION

The following Council Bills were introduced:

Bill 9565

An Ordinance Authorizing a Contract with Amcon Municipal Concrete L.L.C. for the Construction of the West Clay Street – Hawks Nest Drive/Duchesne Drive CMAQ Project in an Amount Not to Exceed \$111,911.00 (*Sponsor: Ron Stivison*)

Bill 9566

An Ordinance Authorizing Acceptance of Development Improvements of Sanitary Sewer Utilities and Their Appurtenances at 420 Blanche Drive and Release of Security (*Sponsor: Michael Klinghammer*)

Bill 9567

An Ordinance Authorizing a Termination of Water Service Agreement Between the City of St. Charles and Duckett Creek Sanitary Sewer District for Termination of Water Service for Delinquent Sewer Service Accounts (*Sponsor: Michael Klinghammer*)

Bill 9568

An Ordinance Approving a Petition Requesting the Formation of the Veterans Memorial Parkway Community Improvement District; Establishing the District as a Political Subdivision of the State of Missouri; and Directing the City Clerk to Notify the Missouri Department of Economic Development of the Creation of the District (*Sponsor: Laurie Feldman*)

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Bill 9569

An Ordinance Amending Schedule II, Subsection (A) of Chapter 78 of the Code of Ordinances by Establishing Parking Restrictions Along a Portion of Olive Street
(Sponsor: Richard Veit)

Bill 9570

An Ordinance Amending Section 40.25 of the Code of Ordinances Pertaining to Disqualification of Bidders (Sponsor: All Members of the City Council)

CONSENT AGENDA

Vice President of the Council Jerry Reese removed *Item 8.C.1.c Board of Public Works Meeting of December 13, 2007 (c. Motion to Recommend that the City Not Proceed with the Sandfort Creek Berm Project)* from the Consent Agenda. A motion was made by MICHAEL KLINGHAMMER to receive and approve the balance of the Consent Agenda. LAURIE FELDMAN seconded the motion. A roll call vote was taken, with the following results: "Aye": Feldman, Klinghammer, Kneemiller, Muench, Reese, Stivison, Veit, Beckering, and Ermeling. "Nay": None. Absent: Weller. Motion passed.

A. Approval of Council Minutes

1. Regular Council Meeting of January 8, 2008
2. Public Hearing of January 8, 2008
3. Administrative Hearing of January 8, 2008

File #46719

File #46720

B. Receipt and/or Approval of Council Committee Reports

1. Convention Center Oversight Committee Meeting of November 27, 2007
 - a. Approve Purchase of a Single Man Mast Style Boom Lift from J. J. O'Connell for \$24,740
 - b. Approve Purchase of the Powering Monitoring System from GEXPRO/GE Supply for \$31,451
 - c. Motion to Extend the convention Center Management Contract with Global Spectrum for a Period of One Year
 - d. Approve the Following Consent Agenda Items:
 - i. AutoCAD Lt – Amazon.com - \$1619.98
 - ii. Polycom Phone – Pearl Computer - \$979
 - iii. Large Format Printer – SMC Electric Supply - \$2670.85
 - e. Approve the Integra Change Orders Adding a Total of \$770 to the Office Build Out Costs
 - f. Approve Change Order for HVAC Mechanical and Drawing changes from LePique & Orne for \$1600
 - g. Approve Payment of \$457.17 for Change Order from LePique & Orne for Printing and Courier Costs

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File #46489 h. Amend the 2008 Capital Replacement Plan/Budget to include 2007
FF&E Carryover Items, Revisions, and Additions

2. Towing Services Committee Meeting of January 15, 2008
a. Motion to Adopt the Draft Administrative Regulations 1.1.4 with
the Except of Changing the Rotation Schedule from Four Months
to Three Months

File #46721

- C. Receipt of Reports from Boards, Commissions or Committees
1. Board of Public Works Meeting of December 13, 2007
a. Motion to Recommend Authorization to Allow Double Meter
Settings with Water Service Connections
b. Motion to Request Public Works Staff to Put Together a Draft
RFQ for Evaluation of the Water System and Bring Back to the
PWB

File #46617

- c. Motion to Recommend that the City Not Proceed with the Sandfort
Creek Berm Project.

REMOVED FROM THE CONSENT AGENDA

File #46472 2. Economic Development Meeting of December 6, 2007

File #46544 3. Landmarks Board Meeting of December 10, 2007

4. Arts & Culture Commission Meeting of December 10, 2007
a. Motion to Approve the Line Amount of \$20,000 for the Christmas
Traditions North main 2007
b. Motion to Approve an Additional \$2500.00 for Crescendo Concert
Series
c. Motion to Reimburse Expenses Incurred for the Decoration of the
Depot

File #46434

5. Wellness Commission Meeting of December 13, 2007
a. Motion that the Wellness Commission Pursue with the City
Council Enactment a City-Wide Smoking Ban

File #46530

- D. Receipt of Reports of the Director of Administration
1. Investment Report December 2007

File #46456

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- E. Approval of Contracts and Easements from \$30,000 - \$99,999
1. Contract with Earthworks Contracting for Sanitary Lateral Camera Services in an amount not to exceed \$37,000.00
File #46722
2. Contract with National Erectors & Builders, Inc. for the Installation of Streetlights on South River Road in an amount not to exceed \$44,555.00
File #46723

F. Preliminary Plats
None

- G. Miscellaneous
1. Report of Court Administrator for Monies Collected in the Month of December 2007
File #46462

ITEM REMOVED FROM CONSENT AGENDA

Item 8.C.1. Minutes of the Board of Public Works Meeting of December 13, 2007 (c. Motion to Recommend that the City Not Proceed with the Sandfort Creek Berm Project.)
Vice President of the Council Jerry Reese requested that this item be held until the Regular Council Meeting scheduled for February 19, 2008.

REPORT OF THE MAYOR

Written and/or Verbal Messages from the Mayor

St. Charles Journal Reporter: The Honorable Mayor Patricia M. York welcomed the new reporter from the St. Charles Journal, Mike Davis.

ANNOUNCEMENTS FROM COUNCILMEMBERS/MISCELLANEOUS

Discussion Relative to Upcoming Expiration of the Trash Services Contract and Placement of Monthly Update on Future Agendas

President of the Council Bob Kneemiller stated that he would like to commence discussions on the upcoming expiration of the trash services contract and requested that a monthly update be provided on the status. Councilmember Michael Klinghammer suggested forming a Committee consisting of Councilmembers, Staff, and Residents to explore methods to improve the trash service in the City. President of the Council Bob Kneemiller requested that a Resolution be drafted to establish a Trash Services Committee. Vice President of the Committee Jerry Reese and Councilmember Laurie Feldman volunteered to serve on the Committee.

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Written and/or Verbal Messages from the Councilmembers

St. Charles County Amateur Sports Hall of Fame. Councilmember Dave Beckering announced that the following St. Charles Residents will be inducted into the St. Charles County Amateur Sports Hall of Fame at an event scheduled for March 15, 2008: Glenn Foust – Dart Ball; and Kevin Toeppen – Bowling.

Ward 3 Neighborhood Association Meeting. Councilmember Laurie Feldman announced that a meeting of the Presidents of the Ward 3 Neighborhood Association will be held on February 6, 2008, in Conference Room A, City Hall, at 6:30 p.m.

Memorial for John Dengler and Archie Scott. Councilmember Larry Muench thanked everyone for all the cards, flowers, and expressions of sympathy received after the recent passing of his father-in-law, John Dengler; and expressed his hope that a suitable memorial be designated for John Dengler and Archie Scott.

Mardi Gras Parade. Councilmember Richard Veit announced that the Mardi Gras parade will be held on Saturday, January 26, 2008, at 3:00 p.m. on North Second Street.

Election Day. Councilmember Richard Veit urged residents to vote in the Presidential Primary Election to be held on Tuesday, February 5, 2008.

Kiwanis Pancake Day. Councilmember Richard Veit announced the Kiwanis Pancake Day on February 5, 2008, at Memorial Hall.

Fete de Glace. Councilmember Michael Klinghammer announced the Fete De Glace (Ice Carving) Festival will be held on North Main Street on Saturday, January 26, 2008.

Legends of the Little Hills. President of the Council Bob Kneemiller requested that discussion relative to the Legends of the Little Hills Awards be held at a future Council Work Session.

Goals of the Council. President of the Council Bob Kneemiller requested that discussion relative to setting goals of the Council be held at a future Council Work Session.

APPROVAL OF CLOSED MINUTES

A motion was made by DAVE BECKERING to approve the following Closed Minutes:

- A. Regular Council Meeting of December 18, 2007, relative to legal actions, causes of action, or litigation (RSMo 610.021.1); leasing, purchase or sale of real estate where public knowledge of the transaction might adversely affect the legal consideration therefor (RSMo 610.021.2); and sealed proposals and related documents or any documents related to a negotiated contract (RSMo 610.021.12)

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LAURIE FELDMAN seconded the motion. A roll call vote was taken, with the following results: "Aye": Klinghammer, Kneemiller, Muench, Reese, Stivison, Veit, Beckering, Ermeling, and Feldman. "Nay": None. Absent: Weller. Motion passed.

CLOSED SESSION

A roll call vote was taken to adjourn into Closed Session relative to legal actions, causes of action, or litigation (RSMo 610.021.1); and leasing, purchase or sale of real estate where public knowledge of the transaction might adversely affect the legal consideration therefor (RSMo 610.021.2); with the following results: "Aye": Kneemiller, Muench, Feldman, and Klinghammer. "Nay": Reese, Stivison, Veit, Beckering, and Ermeling. Absent: Weller. Motion failed.

The Regular Council Meeting was adjourned at 7:25 p.m.

February 5, 2008
Date Approved

Marilyn K. McCoy
City Clerk

Bob Kneemiller
Bob Kneemiller, Presiding Officer